

Board of Chiropractic Examiners

2525 Natomas Park Drive, Suite 260
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CA Relay Service TT/TDD (800) 735-2929
Consumer Complaint Hotline (866) 543-1311
<http://www.chiro.ca.gov>

**NOTICE OF PUBLIC MEETING****LEGISLATIVE COMMITTEE****March 26, 2009****8:30 a.m.**

**Burbank Airport Marriott and Convention Center
2500 Hollywood Way
Burbank, CA 91505
(818) 843-6000**

AGENDA**1. Call to Order**

Frederick Lerner, D.C., Chair
Francesco Columbu, D.C., Secretary

2. Approval of Minutes:

January 8, 2009, Legislative Committee Meeting

3. Discussion and Possible Action:

- A. Proposed Fee Increase
- B. AB 361 (Lowenthal)
- C. SB 389 (Negrette-McCleod)
- D. SB 762 (Aanestad)
- E. Any other legislative bills of interest to the Committee

4. Public Comment**5. Future Agenda Items****6. Adjournment**

The Board of Chiropractic Examiners' paramount responsibility is to protect California consumers from the fraudulent, negligent, or incompetent practice of chiropractic care.

A quorum of the Board may be present at the Committee meeting. However, Board members who are not on the committee may observe, but may not participate or vote. Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at www.chiro.ca.gov.

The meeting is accessible to persons with physical disabilities. If a person needs disability-related accommodations or modifications in order to participate in the meeting, please make a request no later than five working days before the meeting to the Board by contacting Marlene Valencia at (916) 263-5355 ext. 5363 or sending a written request to that person at the Board of Chiropractic Examiners, 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833. Requests for further information should be directed to Ms. Valencia at the same address and telephone number.

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BOARD OF CHIROPRACTIC EXAMINERS MEETING MINUTES LEGISLATIVE COMMITTEE

**January 8, 2009
State Capitol
Senate Room 112
Sacramento, CA 95814**

Committee Members Present

Frederick Lerner, D.C., Chair
Francesco Columbu, D.C., Professional Member

Staff Present

Brian Stiger, Executive Officer
LaVonne Powell, Senior Staff Counsel
April Alameda, Associate Governmental Program Analyst
Tammi Pitto, Staff Services Analyst
Valerie James, Office Technician

Call to Order

Dr. Lerner called the meeting to order at 9:05 a.m.

Roll Call

Dr. Columbu called the roll. All committee members were present.

Approval of Minutes for May 22, 2008

MOTION: DR. LERNER MOVED TO APPROVE THE MAY 22, 2008, MINUTES.

SECOND: DR. COLUMBU SECONDED THE MOTION

VOTE: 2-0

MOTION CARRIED

Proposed Legislation to Increase License Fees

Mr. Stiger stated that this originated in September 2005 when a previous board was thinking about raising the fees. Since that time, many things have changed. Probably the most important change is

the creation of our special investigators, which has caused a big expenditure on our budget. We also have a lot more enforcement activities that we are working on. We are currently spending about one million dollars more each year than we are bringing in. It's inevitable that we need to increase our revenues. We have a fund condition that completed by the Department of Consumer Affairs. In fiscal year 2011-2012, we will be facing a deficit. Now is the time to enact legislation to allow us to increase our fees. We confirmed through legal that we can raise fees through legislation. If we get legislation approved this year, it will be enacted in July of 2010, which will put us right on line to make sure that we have adequate funding to continue to operate.

Dr. Lerner commented that if he was reading the proposed regulations correctly, we are talking about an initial increase of \$50 per licensee, and essentially this will give us a range so we can raise fees in the future without having to back through the legislature. With the current economy, we need to make this clear to the legislature that this comes from licensing fees and not tax dollars.

Dr. Columbu asked if the initial increase is \$50, how will the future increases work.

Mr. Stiger stated that we would continue to monitor the budget and fund and do an analysis to figure out what the actual numbers would be, it is premature to come up with the numbers now. He also commented that when he did the analysis, over 26 years if you add a 3% inflation rate, the renewal rate would be over \$300.

Dr. Columbu pointed out that this will help us improve in our enforcement areas.

MOTION: DR. LERNER MOVED TO PRESENT THIS RECOMMENDATION TO THE FULL BOARD

SECOND: DR. COLUMBU SECONDED THE MOTION

VOTE: 2-0

MOTION CARRIED

Public Comment

Dr. Charles Davis, International Chiropractic Association of California stated that he understands the licensing fees have not have gone up and that the renewal range is reasonable, however there is conflict between the continuing education language and this regulation.

Mr. Stiger clarified that these are two different subjects and we need to move forward with these regulations as if the others are not happening.

Ms. Powell stated that what we would do if the bill goes through, is a section 100 change through the regulation process, and those are automatically changed to the correct amounts.

Dr. Davis stated his other issue is with the satellite office certificate, there is a 15x increase when you just print out a piece of paper. He doesn't feel there is any justification in that. Other boards only issue one license and if you want to work somewhere else, you just make a copy of your original license and place it in your additional location.

Ms. Powell replied that we don't want a doctor to be able to copy their license and use it at another location because of a problem with licenses being used for illegal purposes. The other thing is that there is some staff work of checking into the doctor, it's not just a matter of printing out a piece of paper.

Dr. Davis asked why does the Chiropractic Board do all of that work if the other California boards don't.

Ms. Powell responded, when some of the other boards get burned, they do start doing all of that work.

Mr. Stiger stated that we are not trying to make money. We are trying to cover our costs of staff work and we rely on another agency to produce these documents and we have to pay for them. The \$5 fee was not covering our costs.

Ms. Kristine Shultz, California Chiropractic Association, would like to go over the entire fee structure however one thing that stands out is the continuing education course approval application fee. Currently the rate is a \$50 flat fee and is proposed to go to a minimum of \$70 per course. So with their convention of 14 courses would go from a \$50 fee to around \$1,000 and be a significant increase. Also, to do this at the same time that we are increasing continuing education requirements for doctors of chiropractic, to also increase the cost so significantly might be overly burdensome.

Newly Introduced Legislation of Interest to the Board

Dr. Lerner stated there is nothing new.

Public Comment

None

Future Agenda Items

None

Adjournment

Dr. Lerner adjourned the meeting at approximately 9:20 a.m.

Joint Committee on Boards, Commissions & Consumer Protection

Sunset Review Report

September 2005

- The Board is carefully reviewing the current fee structure for several areas where fees are collected. The Board currently does not have the regulatory authority to collect the corporation annual report filing fee, duplicate renewal receipt fee, satellite renewal fee, and license certification fee, all fees it has historically charged. In order to realign the fee structure the Board is researching what the appropriate fee amount should be for the services rendered. Presently, the cost to prepare the document is more than the amount the Board charges.
- To ensure the Board is reimbursed for providing related services, the Board staff is proposing a new fee structure by securing proper authority to charge such fees and establishing them at the following levels:

Fee Schedule	Current Fee	Proposed Fee
Application Fee	\$100	*\$ 100
Initial License Fee	\$100	*\$ 100
Renewal Fee	\$150	*\$ 100
Duplicate Receipt/Renewal License***	\$ 5	\$ 25
Inactive License Renewal Fee	\$150	\$ 70
Forfeiture Fee (late renewal fee)	\$150	*\$ 100
College Approval Application Fee***	0	\$1,500
Continuing Education Course Fee	\$ 50	**\$ 30
Continuing Education Provider Fee***	0	\$ 350
Continuing Education Provider Renewal Fee***	0	\$ 200
Corporation Registration Application Fee	\$100	\$ 250
Corporation Special Report Filing Fee	\$ 5	\$ 40
Corporation Annual Renewal Fee***	\$ 10	\$ 150
License Certification/Out-of-State Verif. ***	\$ 10	\$ 50
Reciprocal License Application Fee	\$ 25	\$ 125
Referral Service Application Fee	\$ 25	\$ 150
Replacement License Fee	\$ 25	\$ 40
Satellite Certificate Application Fee	\$ 5	\$ 50
Satellite Renewal Fee***	\$ 5	\$ 50

*Authority for fee amount is in the Act.

**Per each hour of course content requested.

***These fees will need to be established in the proposed fee regulation.

A revised fee structure is necessary to bring the charges more in-line with the services. It is anticipated that it will ultimately increase the Board's revenues. To offset the increased fees, a reduction in the annual renewal fee, forfeiture fee, and inactive license fee is proposed. Prior to any fee restructure the Board will consult with Department of General Services, which prepares the Board's fund condition to determine the impact of the revised fee schedule on the Board's overall budget.

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**Proposed Legislation to Increase License Fees****January 8, 2009**

The amount of fees prescribed by this article is fixed by the following schedule:

- (a) The fee for filing an application for the doctor of chiropractic examination shall be set by the board at a minimum of one hundred twenty five dollars (\$125) not to exceed three hundred fifty dollars (\$350).
- (b) The initial license fee for a doctor of chiropractic shall be set by the board at a minimum of one hundred twenty five dollars (\$125) not to exceed two hundred fifty dollars (\$250).
- (c) The annual renewal fee for a doctor of chiropractic shall be set by the board at a minimum of two hundred dollars (\$200) not to exceed three hundred fifty dollars (\$350).
- (d) The annual renewal fee for an inactive active doctor of chiropractic license shall be set at the same amount as the annual renewal fee of an active doctor of chiropractic license.
- (e) The fee for filing an application to return an inactive license to active status shall be set by the board at a minimum of seventy dollars (\$70) not exceed one hundred fifty dollars (\$150).
- (f) The fee for filing an application to restore a cancelled license to an active license shall be set at twice the annual renewal fee for a doctor of chiropractic.
- (g) The fee for filing an application for approval of a chiropractic school or college shall be set by the board at a minimum of one thousand five hundred dollars (\$1,500). The chiropractic school or college shall also pay for the actual costs of an onsite inspection conducted by the board, including, but not limited to, the travel, food, and lodging expenses incurred by an inspection team sent by the board.

- (h) The annual renewal fee for a chiropractic school or college shall be set by the board at a minimum of two hundred fifty dollars (\$250) not to exceed five hundred dollars (\$500).
- (i) The fee for filing an application to register a chiropractic corporation shall be set by the board at a minimum of two hundred fifty dollars (\$250) not to exceed five hundred dollars (\$500).
- (j) The annual renewal fee for a chiropractic corporation shall be set by the board at a minimum of one hundred fifty dollars (\$150) not to exceed four hundred dollars (\$400).
- (k) The fee for filing an application for a satellite certificate shall be set by the board at a minimum of seventy five dollars (\$75) not to exceed one hundred fifty dollars (\$150).
- (l) The annual renewal fee for a satellite certificate shall be set by the board at a minimum of fifty dollars (\$50) not to exceed one hundred fifty dollars (\$150).
- (m) The fee for filing an application for a reciprocal license shall be set by the board at a minimum one hundred twenty five dollars (\$125) not to exceed three hundred fifty dollars (\$350).
- (n) The fee for filing an application for a continuing education provider shall be set by the board at a minimum of three hundred fifty dollars (\$350) not to exceed five hundred dollars (\$500).
- (o) The annual renewal fee for a continuing education provider shall be set by the board at a minimum of two hundred dollars (\$200) not to exceed four hundred dollars (\$400).
- (p) The fee for filing an application to approve a continuing education course shall be set by the board at a minimum of seventy five dollars (\$75) not to exceed one hundred fifty dollars (\$150) for each course.
- (q) The fee for filing an application for a referral service application shall be set by the board at a minimum of one hundred fifty dollars (\$150) not to exceed three hundred fifty dollars (\$350).
- (r) The annual renewal fee for a referral service shall be set by the board at a minimum of one hundred dollars (\$100) not to exceed three hundred dollars (\$300).

- (s) The forfeiture fee or delinquency fee for subsections (c), (h), (j), (l), and (o) of this section shall be set at twice the annual renewal fee for that subsection.
- (t) Any charge made for duplication or other services shall be set at the cost of rendering the services.

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Bill Number: AB 361
Introduced: February 23, 2009

Author: Bonnie Lowenthal
Vote: Majority

Bill Summary:

This bill prohibits an insurance company that provides workers' compensation coverage from rescinding an authorization for medical services after the services are rendered.

Purpose of the Bill:

According to the author, some insurance companies will grant authorization for a course of treatment and then deny reimbursement when the doctor sends in the bill after the authorized care was provided. This problem was remedied within group health settings through legislation, but the problem still exists within the workers' compensation system.

Existing Law:

Establishes a workers' compensation system to compensate an employee for injuries sustained during the course of employment; requires employers to establish a medical treatment utilization review process; and requires an employer or insurer to establish or modify a medical provider network for the provision of medical treatment to injured employees.

Specifically, this bill would:

- Require insurance companies to pay for the medical services they authorize providers under workers' compensation to perform, even if insurance companies do so in error.
- Extend the AB 1324 (De La Torre, 2007) protections to workers' compensation claims by adding the same language to section 4610.3 to the Labor Code.

Fiscal Impact:

None

Staff Recommendation:

The BCE staff recommends a support position.

ASSEMBLY BILL

No. 361

Introduced by Assembly Member Bonnie Lowenthal
(Coauthors: Assembly Members Ammiano, Coto, and Torlakson)

February 23, 2009

An act to add Section 4610.3 to the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 361, as introduced, Bonnie Lowenthal. Workers' compensation: treatment authorization.

Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of his or her employment. Existing law requires every employer to establish a medical treatment utilization review process, in compliance with specified requirements, either directly or through its insurer or an entity with which the employer or insurer contracts for these services.

Existing law authorizes an employer or insurer to establish or modify a medical provider network for the provision of medical treatment to injured employees, and to submit a medical provider network plan to the administrative director for approval. Existing law permits employers to enter into contracts for the provision of medical services to injured employees with a health care organization that has been certified by the administrative director for this purpose.

This bill provides that, regardless of whether an employer has established a medical provider network or entered into a contract with a health care organization, an employer that authorizes medical treatment shall not rescind or modify that authorization for any reason, including,

but not limited to, the employer's subsequent determination that the physician who treated the employee was not eligible to treat that injured employee. This bill provides that its provisions shall not be construed to expand or alter the benefits available under, or the terms and conditions of, any contract.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4610.3 is added to the Labor Code, to
- 2 read:
- 3 4610.3. (a) Regardless of whether an employer has established
- 4 a medical provider network pursuant to Section 4616 or entered
- 5 into a contract with a health care organization pursuant to Section
- 6 4600.5, an employer that authorizes medical treatment shall not
- 7 rescind or modify that authorization for any reason, including, but
- 8 not limited to, the employer's subsequent determination that the
- 9 physician who treated the employee was not eligible to treat that
- 10 injured employee.
- 11 (b) This section shall not be construed to expand or alter the
- 12 benefits available under, or the terms and conditions of, any
- 13 contract.

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Bill Number: SB 389
Introduced: February 26, 2009

Author: Negrete McLeod
Vote: Majority

Bill Summary:

This bill would provide the Board of Chiropractic Examiners (BCE) the authority to require applicants and licensees who have not previously submitted fingerprints, or a record of the submission of fingerprints no longer exists, to successfully complete a state and federal level criminal offender record information. This bill would also require a licensee to notify the BCE of any felony or misdemeanor convictions since their last renewal.

Purpose of the Bill:

This bill is intended to increase consumer protection and to clarify the BCE's authority to require applicants/licensees to submit fingerprints.

Existing Law:

Provides various professions and vocations within the Department of Consumer Affairs to suspend or revoke a license on various grounds; and requires applicants of certain boards to provide a full set of fingerprints for the purpose of conducting criminal history record verification.

Specifically, this bill would:

- Make fingerprinting requirements applicable to BCE;
- Require applicants for licensure to submit fingerprints for state and federal back ground checks;
- Effective January 1, 2011, will require licensees who have not previously submitted fingerprints, or a record of fingerprints no longer exists, to submit fingerprints for state and federal back ground checks;
- Require a licensee to notify the BCE of any convictions, as defined, of a felony or misdemeanor since their last renewal;
- A licensee that fails to comply with this statute is subject to disciplinary action for making a false certification.

Fiscal Impact:

The BCE will experience an increase in workload associated with the review and processing of licensees that a record of fingerprinting no longer exists. However, the BCE staff believes this would not significantly increase workload and will be able to be absorbed with existing staff.

Staff Recommendation:

The BCE staff recommends a support position.

Introduced by Senator Negrete McLeod

February 26, 2009

An act to amend Section 144 of, and to add Sections 144.5 and 144.6 to, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 389, as introduced, Negrete McLeod. Professions and vocations.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to suspend or revoke a license on various grounds, including, but not limited to, conviction of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law requires applicants to certain boards to provide a full set of fingerprints for the purpose of conducting criminal history record checks.

This bill would make that fingerprinting requirement applicable to the Dental Board of California, the Dental Hygiene Committee of California, the Professional Fiduciary Bureau, the Osteopathic Medical Board of California, the California Board of Podiatric Medicine, and the State Board of Chiropractic Examiners. The bill would require applicants for a license and, commencing January 1, 2011, licensees who have not previously submitted fingerprints, or for whom a record of the submission of fingerprints no longer exists, to successfully complete a state and federal level criminal offender record information search, as specified. The bill would require licensees to certify compliance with that requirement, as specified, and would subject a licensee to disciplinary action for making a false certification. The bill

would also require a licensee to, as a condition of renewal of the license, notify the board on the license renewal form if he or she has been convicted, as defined, of a felony or misdemeanor since his or her last renewal, or if this is the licensee's first renewal, since the initial license was issued.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 144 of the Business and Professions Code
2 is amended to read:

3 144. (a) Notwithstanding any other provision of law, an agency
4 designated in subdivision (b) shall require an applicant *for a license*
5 to furnish to the agency a full set of fingerprints for purposes of
6 conducting criminal history record checks *and shall require the*
7 *applicant to successfully complete a state and federal level criminal*
8 *offender record information search conducted through the*
9 *Department of Justice as provided in subdivision (c) or as*
10 *otherwise provided in this code.* ~~Any agency designated in~~
11 ~~subdivision (b) may obtain and receive, at its discretion, criminal~~
12 ~~history information from the Department of Justice and the United~~
13 ~~States Federal Bureau of Investigation.~~

14 (b) Subdivision (a) applies to the following:

- 15 (1) California Board of Accountancy.
- 16 (2) State Athletic Commission.
- 17 (3) Board of Behavioral Sciences.
- 18 (4) Court Reporters Board of California.
- 19 (5) State Board of Guide Dogs for the Blind.
- 20 (6) California State Board of Pharmacy.
- 21 (7) Board of Registered Nursing.
- 22 (8) Veterinary Medical Board.
- 23 (9) Registered Veterinary Technician Committee.
- 24 (10) Board of Vocational Nursing and Psychiatric Technicians.
- 25 (11) Respiratory Care Board of California.
- 26 (12) Hearing Aid Dispensers ~~Advisory Commission Bureau.~~
- 27 (13) Physical Therapy Board of California.
- 28 (14) Physician Assistant Committee of the Medical Board of
- 29 California.
- 30 (15) Speech-Language Pathology and Audiology Board.

- (16) Medical Board of California.
- (17) State Board of Optometry.
- (18) Acupuncture Board.
- (19) Cemetery and Funeral Bureau.
- (20) Bureau of Security and Investigative Services.
- (21) Division of Investigation.
- (22) Board of Psychology.
- (23) The California Board of Occupational Therapy.
- (24) Structural Pest Control Board.
- (25) Contractors' State License Board.
- (26) Bureau of Naturopathic Medicine.
- (27) *Dental Board of California.*
- (28) *Dental Hygiene Committee of California.*
- (27) *Professional Fiduciaries Bureau.*
- (28) *California Board of Podiatric Medicine.*
- (29) *Osteopathic Medical Board of California.*
- (30) *State Board of Chiropractic Examiners.*

~~(c) The provisions of paragraph (24) of subdivision (b) shall become operative on July 1, 2004. The provisions of paragraph (25) of subdivision (b) shall become operative on the date on which sufficient funds are available for the Contractors' State License Board and the Department of Justice to conduct a criminal history record check pursuant to this section or on July 1, 2005, whichever occurs first.~~

(c) Except as otherwise provided in this code, each agency listed in subdivision (b) shall direct applicants for a license to submit to the Department of Justice fingerprint images and related information required by the Department of Justice for the purpose of obtaining information as to the existence and content of a state or federal criminal record. The Department of Justice shall forward the fingerprint images and related information received to the Federal Bureau of Investigation and request federal criminal history information. The Department of Justice shall compile and disseminate state and federal responses to the agency pursuant to subdivision (p) of Section 11105 of the Penal Code. The agency shall request from the Department of Justice subsequent arrest notification service, pursuant to Section 11105.2 of the Penal Code, for each person who submitted information pursuant to this subdivision. The Department of Justice shall charge a fee sufficient to cover the cost of processing the request described in this section.

1 SEC. 2. Section 144.5 is added to the Business and Professions
2 Code, to read:

3 144.5. (a) Notwithstanding any other provision of law, an
4 agency designated in subdivision (b) of Section 144 shall require
5 a licensee who has not previously submitted fingerprints or for
6 whom a record of the submission of fingerprints no longer exists
7 to, as a condition of license renewal, successfully complete a state
8 and federal level criminal offender record information search
9 conducted through the Department of Justice as provided in
10 subdivision (d).

11 (b) (1) A licensee described in subdivision (a) shall, as a
12 condition of license renewal, certify on the renewal application
13 that he or she has successfully completed a state and federal level
14 criminal offender record information search pursuant to subdivision
15 (d).

16 (2) The licensee shall retain for at least three years, as evidence
17 of the certification made pursuant to paragraph (1), either a receipt
18 showing that he or she has electronically transmitted his or her
19 fingerprint images to the Department of Justice or, for those
20 licensees who did not use an electronic fingerprinting system, a
21 receipt evidencing that the licensee's fingerprints were taken.

22 (c) Failure to provide the certification required by subdivision
23 (b) renders an application for renewal incomplete. An agency shall
24 not renew the license until a complete application is submitted.

25 (d) Each agency listed in subdivision (b) of Section 144 shall
26 direct licensees described in subdivision (a) to submit to the
27 Department of Justice fingerprint images and related information
28 required by the Department of Justice for the purpose of obtaining
29 information as to the existence and content of a state or federal
30 criminal record. The Department of Justice shall forward the
31 fingerprint images and related information received to the Federal
32 Bureau of Investigation and request federal criminal history
33 information. The Department of Justice shall compile and
34 disseminate state and federal responses to the agency pursuant to
35 subdivision (p) of Section 11105 of the Penal Code. The agency
36 shall request from the Department of Justice subsequent arrest
37 notification service, pursuant to Section 11105.2 of the Penal Code,
38 for each person who submitted information pursuant to this
39 subdivision. The Department of Justice shall charge a fee sufficient
40 to cover the cost of processing the request described in this section.

1 (e) An agency may waive the requirements of this section if the
2 license is inactive or retired, or if the licensee is actively serving
3 in the military. The agency may not activate an inactive license or
4 return a retired license to full licensure status for a licensee
5 described in subdivision (a) until the licensee has successfully
6 completed a state and federal level criminal offender record
7 information search pursuant to subdivision (d).

8 (f) With respect to licensees that are business entities, each
9 agency listed in subdivision (b) of Section 144 shall, by regulation,
10 determine which owners, officers, directors, shareholders,
11 members, agents, employees, or other natural persons who are
12 representatives of the business entity are required to submit
13 fingerprint images to the Department of Justice and disclose the
14 information on its renewal forms, as required by this section.

15 (g) A licensee who falsely certifies completion of a state and
16 federal level criminal record information search under subdivision
17 (b) may be subject to disciplinary action by his or her licensing
18 agency.

19 (h) This section shall become operative on January 1, 2011.

20 SEC. 3. Section 144.6 is added to the Business and Professions
21 Code, to read:

22 144.6. (a) An agency described in subdivision (b) of Section
23 144 shall require a licensee, as a condition of license renewal, to
24 notify the board on the license renewal form if he or she has been
25 convicted, as defined in Section 490, of a felony or misdemeanor
26 since his or her last renewal, or if this is the licensee's first renewal,
27 since the initial license was issued.

28 (b) The reporting requirement imposed under this section shall
29 apply in addition to any other reporting requirement imposed under
30 this code.

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Bill Number: SB 762
Introduced: February 27, 2009

Author: Aanestad
Vote: Majority

Bill Summary:

This bill would make it unlawful for a city or county to prohibit a healing arts licensee from engaging in any act or procedure that falls within the professionally recognized scope of practice of that licensee.

Purpose of the Bill:

This bill ensures that local city and county governments do not interfere with the appropriate practice of licensed healing arts professions that falls within the jurisdiction of the appropriate state licensing agency.

Existing Law:

It is unlawful for local city or county agency to restrict a person or business licensed by the Department of Consumer Affairs to engage in a particular business or profession.

Specifically, this bill would:

- Prohibit the city or county from prohibiting a healing arts licensed profession from engaging in any act or procedure that falls within the scope of practice of that license;
- Ensures that local city and county agencies may levy a business or license tax solely for revenue purposes, as appropriate.

Fiscal Impact:

None

Staff Recommendation:

The BCE staff recommends a support position.

Introduced by Senator Aanestad

February 27, 2009

An act to amend Section 460 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 762, as introduced, Aanestad. Professions and vocations: healing arts.

Existing law makes it unlawful for a city or county to prohibit a person, authorized by one of the agencies of the Department of Consumer Affairs to engage in a particular business, from engaging in that business, occupation, or profession or any portion thereof.

This bill would also make it unlawful for a city, county, or city and county to prohibit a healing arts licensee from engaging in any act or performing any procedure that falls within the professionally recognized scope of practice of that licensee, but would prohibit construing this provision to prohibit the enforcement of a local ordinance effective prior to January 1, 2010, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 460 of the Business and Professions Code
- 2 is amended to read:
- 3 460. (a) No city or county shall prohibit a person *or group of*
- 4 *persons*, authorized by one of the agencies in the Department of
- 5 Consumer Affairs by a license, certificate, or other such means to
- 6 engage in a particular business, from engaging in that business,

1 occupation, or profession or any portion thereof. ~~Nothing in this~~
2 ~~section shall prohibit any city or county or city and county from~~
3 ~~levying a business license tax solely for revenue purposes nor any~~
4 ~~city or county from levying a license tax solely for the purpose of~~
5 ~~covering the cost of regulation.~~

6 *(b) No city, county, or city and county shall prohibit a healing*
7 *arts professional licensed with the state under Division 2*
8 *(commencing with Section 500) from engaging in any act or*
9 *performing any procedure that falls within the professionally*
10 *recognized scope of practice of that licensee. This subdivision*
11 *shall not be construed to prohibit the enforcement of a local*
12 *ordinance effective prior to January 1, 2010, related to any act or*
13 *procedure that falls within the professionally recognized scope of*
14 *practice of a healing arts professional licensed under Division 2*
15 *(commencing with Section 500).*

16 *(c) Nothing in this section shall prohibit any city, county, or*
17 *city and county from levying a business license tax solely for*
18 *revenue purposes, nor any city or county from levying a license*
19 *tax solely for the purpose of covering the cost of regulation.*